

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** 2004-161623-JMK

**REGULATORY PROJECT MANAGER:** Judi Kolb **Date:** 12/21/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Y **Date:** 12/28/2004

At the project site (Y/N) **Date:**

**PROJECT LOCATION INFORMATION:**

State: Minnesota

County: Pine

Center coordinates of site by latitude & longitude coordinates: Lat 46.145720 -92.886482

Approximate size of site/property (including uplands) in acres 120

Name or waterway of watershed: Kettle River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): Isolated, intrastate wetlands with no nexus to interstate commerce.

The wetland is an isolated basin with no inlet or outlet surrounded by upland. The entire wetland lies within Pine County, Minnesota. In addition, the waterbody has no surface connection, either direct or adjacent, that is part of a tributary system to an interstate (or international) water. This is an isolated wetland on private property surrounded by upland. This wetland has not been used for recreational or interstate commerce or other purposes